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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,940	05/15/2006	Barry Howard Lee	0055714-000003	8616
21839 7590 08/24/2007 BUCHANAN, INGERSOLL & ROONEY PC POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			EXAMINER GUADALUPE, YARITZA	
			ART UNIT 2859	PAPER NUMBER
			MAIL DATE 08/24/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/541,940	<b>Applicant(s)</b> LEE ET AL.	
	<b>Examiner</b> Yaritza Guadalupe-McCall	<b>Art Unit</b> 2859	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,7,9-13 and 16 is/are rejected.
- 7) ☒ Claim(s) 2-6,14 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

In response to Amendment filed June 7, 2007

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 9 – 11, 13 and 16 are rejected under 35 U.S.C. 102 ( e ) as being anticipated by Liu (US 6,874,245).

With respect to claim 1, Liu discloses an end piece ( 7 ) for attachment to a free end of a measuring tape ( 1 ), the end piece including an end hook ( 3 ) with a support portion formed of a first material and a grip portion ( 4 ) formed of a second material, wherein the grip portion embraces an end surface or edge of the support portion and the support portion provides a keying interface on which the grip portion is moulded, thereby securing the grip portion to the support portion.

Regarding claim 9, Liu also teaches an end piece wherein the grip portion is formed of a relatively resilient material, i.e. elastomer, in comparison to the first material ( as suggested in column 2, lines 39 – 42 ).

In regards to claim 10, Liu further discloses a measuring tape ( 1 ) with a free end ( See Figure 4 ) and an end piece ( 3, 4 ) attached to the free end ( See Figure 5 ).

With respect to claim 11, the method of forming a measuring tape end piece including the steps of providing a support portion of an end hook ( 3 ), the support portion being formed of a first material and having a keying surface; and moulding a grip portion ( 4 ), formed of a second material, onto the keying surface, thereby to secure the grip portion to the support portion, the grip portion embracing an end surface or edge of the support portion will be achieved by the regular operation of the device disclosed by Liu.

With regards to claim 13, Liu discloses an end piece further comprising a connection portion ( 3 ), wherein the end hook projects at a right angle from the connection portion ( See Figure 4 ).

Regarding claim 16, Liu also teaches a measuring tape ( See Figure 4 )comprising a measuring blade ( 2 ) comprising a free end; and an end piece ( 3, 4 ) fixedly attached to the free end of the measuring blade, the end piece including an end hook ( 3 ) with a support portion formed of a first material and a grip portion ( 4 ) formed of a second material, wherein the grip portion embraces an end surface or edge of the support portion and the support portion provides a keying interface on which the grip portion is moulded, thereby securing the grip portion to the support portion.

3. Claims 1, 7 and 11 - 12 are rejected under 35 U.S.C. 102 ( e ) as being anticipated by Rafter (US 6,839,981).

With respect to claim 1, Rafter discloses an end piece for attachment to a free end of a measuring tape ( 10 ), the end piece including an end hook ( 16 ) with a support portion formed of a first material and a grip portion ( 20 ) formed of a second material, wherein the grip portion embraces an end surface or edge of the support portion and the support portion provides a keying interface on which the grip portion is moulded, thereby securing the grip portion to the support portion.

In regards to claim 7, Rafter shows an end piece wherein the support portion includes a surface on the rearward face and of the end hook which are not covered by the second material, the grip portion being disposed adjacent said surface or surfaces ( See Figures 1 and 5 ).

With respect to claim 11, the method of forming a measuring tape end piece including the steps of providing a support portion ( 16 ) of an end hook, the support portion being formed of a first material ( i.e., metal, as suggested in column 3, line 13 ) and having a keying surface; and moulding a grip portion ( 20 ), formed of a second material ( plastic, as stated in column 4, lines 25 – 28 ) onto the keying surface, thereby to secure the grip portion to the support portion will be achieved by the regular operation of the device disclosed by Rafter.

In regards to claim 12, the method wherein the support portion is formed in a first moulding step and the grip portion is then formed in a second moulding step will be achieved by the regular operation of the device disclosed by Rafter.

#### ***Allowable Subject Matter***

4. Claims 2 – 6 and 14 - 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1 – 7 and 9 - 16 have been considered but are moot in view of the new ground(s) of rejection.

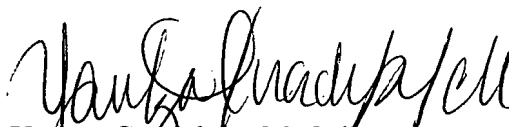
***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yaritza Guadalupe McCall whose telephone number is (571) 272-2244. The examiner can normally be reached on 9:00 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F.F. Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YGM  
August 15, 2007  
Art Unit 2859

  
Yaritza Guadalupe-McCall  
Primary Examiner